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| APPLICATION NO.                                                            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|-----------------------|------------------|
| 09/248,077                                                                 | 02/10/1999  | DAVID J. LADD        | 1298/0E486            | 8370             |
| 2292                                                                       | 7590        | 04/21/2005           | EXAMINER              |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | SALAD, ABDULLAHI ELMI |                  |
|                                                                            |             |                      | ART UNIT              | PAPER NUMBER     |
|                                                                            |             |                      | 2157                  |                  |

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/248,077

Applicant(s)

LADD, DAVID J.

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-16, 27-30 and 35-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16, 27-30 and 35-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/18/2005</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## response

1. the response filed on 1/3/2005 has been received and made of record.
2. Applicant's arguments with regard to claims 12-16, 27-30 and 35-59 have been fully considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-16, 27-30 and 35-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruce et al., U.S. Patent No. 6,765,998[hereinafter Bruce]

As per claims 12, discloses a method for communicating with voice mailbox comprising the steps of :

receiving an information request (route guidance or route direction), and voice mailbox identification information from a wireless portable unit (12, 18) (see col. 2, lines 48—67, where a caller requests driving or route instructions, the caller receives the route instructions to a specified variety of ways including a voice mail message, thus inherently including a voice mailbox information for the information request);  
receiving device identification from a wireless device accessing an informational database with the information request (see fig. 1, element 72);

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receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 23-39);

processing the text format with text-to-voice processor to generate an audio representation (see col. 3, lines 30-45) ;

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67, where the caller may receive route directions in variety of different ways including via voice mail, inherently including storing the voice mail message in voice mailbox).

In considering 13, Bruce discloses the method of claim 12, wherein the information request contains plurality of geographic locations and the responsive information comprises driving direction between locations (see col. 7, line 66 to col.8, line 19).

In considering 14, Bruce discloses the method of claim 13, wherein said information database is mapping database providing driving direction in response to a query containing a geographic location (see col. 7, line 66 to col.8, line 19).

In considering claim 15, Bruce discloses the method of claim 13, wherein said text format information comprises driving directions see col. 7, line 66 to col.8, line 19).

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In considering claims 16, Bruce discloses a system for accessing an informational database over a network through which the informational database is accessed includes Internet (see figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56).

As per claim 27, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67,

where a caller requests driving or route instructions, the caller receives the route instructions to a specified variety of ways including a voice mail message, thus inherently including a voice mailbox information for the information request);

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67, where the caller may receive route directions in variety of

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different ways including via voice mail, inherently including storing the voice mail message in voice mailbox).

In considering claims 28-30, Bruce discloses a system, wherein the interface comprises a computer server (see figs 1, element 18).

In considering claim 35, Bruce discloses the method of claim 12, further comprising the steps of: recording the audio message in the mailbox (see col. 5, lines 40-57); and calling the voice mailbox using the wireless portable unit to retrieve the recorded audio representation(see col. 5, lines 40-57).

As per claim 36, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67, where a caller requests driving or route instructions, the caller receives the route instructions to a specified variety of ways including a voice mail message, thus inherently including a voice mailbox information for the information request); an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

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accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67, where the caller may receive route directions in variety of different ways including via voice mail, inherently including storing the voice mail message in voice mailbox).

In considering claims 37, 45, 50-51 and 56, Bruce discloses the method according to claim 36, wherein the first information or the query includes an identifier, which uniquely identifies the portable device (see col. 6, lines 14-25)..

In considering claim 38-39, 46-47, 52- 53, 57, Bruce further discloses the method according to claim 36, wherein the first information includes plurality of geographic location addresses and the second information includes driving directions and wherein the informational database is a mapping database and second information includes driving directions (see fig. 3 and col. 5, lines 23-57)

As per claim 44, Bruce discloses a system for communicating with voice mailbox comprising the steps:

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a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67, where a caller requests driving or route instructions, the caller receives the route instructions to a specified variety of ways including a voice mail message, thus inherently including a voice mailbox information for the information request); an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50); accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50); receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50); transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67, where the caller may receive route directions in variety of different ways including via voice mail, inherently including storing the voice mail message in voice mailbox).

In considering claim 42-43, and 48, and 58, Bruce disclose the method according to claim 36, for accessing an informational database over a network, through which the informational database is accessed includes Internet (see fig. 3 and col. 5, lines 23-57).



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As per claims 49 and 55 Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67,

where a caller requests driving or route instructions, the caller receives the route instructions to a specified variety of ways including a voice mail message, thus inherently including a voice mailbox information for the information request);

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67, where the caller may receive route directions in variety of different ways including via voice mail, inherently including storing the voice mail message in voice mailbox).


In considering claim 54, Bruce discloses the method according claim 49, wherein said step of accessing the information database occurs over the Internet (see fig. 1).

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In considering claim 59, Bruce discloses the system of claim 27, wherein the wireless portable is cellular phone (see fig. 1, element 12).

### CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdullahi Salad  
Examiner AU 2157  
4/18/2005